
**1. DISPOSITION OF RECEIPTS FROM NATIONAL FOREST
REVENUES**

[As amended through December 31, 1996, P.L. 104-333]

1. DISPOSITION OF RECEIPTS FROM NATIONAL FOREST REVENUES

A. Laws Comprising 16 U.S.C. 499.

[Note: 16 U.S.C. 499 is an uncodified provision of law constructed by the Law Revision Counsel from the following sources: Act of March 4, 1907; Act of March 4, 1911; Act of March 4, 1917; and Act of June 7, 1924. Any amendment to 16 U.S.C. 499 must be made to the various source laws that form the section. These source laws follow the explanatory materials.]

Section 499 of title 16, United States Code, reads as follows:

§499. Disposal of money received by or on account of Forest Service; refund of excess and moneys erroneously collected; receipts from permits

All money received by or on account of the Forest Service for timber, or from any other source of national-forest revenue, including moneys received from sale of products from or for the use of lands in national forests created under section 471(b) of this title, and moneys received on account of permits for hunting, fishing, or camping on lands acquired under authority of sections 513 to 517 and 521 of this title, shall be covered into the Treasury of the United States as a miscellaneous receipt, and except as provided in sections 500 and 501 of this title¹, there is appropriated and made available, as the Secretary of Agriculture may direct, out of any funds in the Treasury not otherwise appropriated, so much as may be necessary to make refunds to depositors of money heretofore or hereafter deposited by them to secure the purchase price on the sale of any products or for the use of any land or resources of the national forests in excess of amounts found actually due from them to the United States and also so much as may be necessary to refund or pay over to the rightful claimants such sums as may be found by the Secretary of Agriculture to have been erroneously collected for the use of any lands, or for timber or other resources sold from lands located within, but not a part of, the national forests, or for alleged illegal acts done upon such lands, which acts are subsequently found to have been proper and legal.

(Mar. 4, 1907, ch. 2907, 34 Stat. 1270; Mar. 4, 1911, ch. 238, 36 Stat. 1253; Mar. 4, 1917, ch. 179, 39 Stat. 1149; June 7, 1924, ch. 348, §9, 43 Stat. 655; May 29, 1928, ch. 901, §1(97), 45 Stat. 993.)

The principal source for 16 U.S.C. 499 is the Act of March 4, 1907 (34 Stat. 1270), which superseded previous provisions relating

¹The words of this section reading, "except as provided in sections 500 and 501 of this title" were added by the Law Revision Counsel to relate this section to the apparent exceptions contained in 16 U.S.C. 500 and 501. These provisions are constructed from the Act of May 23, 1908, the Act of March 1, 1911, and the Act of March 4, 1913, which follow in this compilation.

to the disposal of money received from sale of products or use of any land or resources of the forest reserves.

The Act of March 4, 1911 (36 Stat. 1253), is the source of the last portion of the section beginning with the words, "and also so much as may be necessary," etc. That Act provides that so much of the former Act "which provides for refunds by the Secretary of Agriculture to depositors of moneys to secure the purchase price of timber or the use of lands or resources of the national forests such sums as may be found to be in excess of the amounts found actually due the United States, be, and is hereby, amended hereafter to appropriate and to include so much;"

The words of this section reading, "including moneys received from sale of products from or use of lands in national forests created under section 471(b) of this title" were derived from the fourth sentence of section 9 of Act of June 7, 1924 (43 Stat. 655), which reads as follows: "All receipts from the sale of products from or for the use of lands in such national forests shall be covered into the Treasury as miscellaneous receipts, forest reserve fund, and shall be disposed of in like manner as the receipts from other national forests as provided by existing law." Section 471(b) of this title, referred to in text, was based on the first and fifth sentences of section 9 of the 1924 Act. Section 9 of the 1924 Act was repealed by section 704(a) of Public Law 94-579 (90 Stat. 2792), which presumably would have also eliminated the sentence included in this section. However, the Law Revision Counsel continues to include the sentence since the repealer dealt with the implied authority of the President to make withdrawals resulting from the acquiescence of Congress, which was contained in the first and fifth sentences of section 9 of the 1924 Act.

The words "and moneys received on account of permits for hunting, fishing, or camping, on lands acquired under authority of sections 513 to 517 and 521 of this title," are from a provision of Act Mar. 4, 1917 (39 Stat. 1149), which reads, "Hereafter, all moneys received on account of permits for hunting, fishing, or camping on lands acquired under authority of said Act [Act Mar. 1, 1911, ch. 186, 36 Stat. 961; commonly referred to as the Weeks Law] or any amendment or extension thereof, shall be disposed of as is provided by existing law for the disposition of receipts from national forests."

The only actual amendment referenced is the Act May 29, 1928 (45 Stat. 993), which was made to the Act of March 4, 1911, and struck out a provision which required the Secretary of Agriculture to make an annual report to Congress of the amounts refunded under this section.

Source Laws:

ACT OF MARCH 4, 1907

CHAP. 2907.—An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June thirtieth, nineteen hundred and eight, for the purposes and objects hereinafter expressed, namely:

DEPARTMENT OF AGRICULTURE.

* * * * *

FOREST SERVICE.

* * * * *

*Provided further,*¹ That all money received after July first, nineteen hundred and seven, by or on account of the forest service for timber, or from any other source of forest reservation revenue, shall be covered into the Treasury of the United States as a miscellaneous receipt and there is hereby appropriated and made available as the Secretary of Agriculture may direct out of any funds in the Treasury not otherwise appropriated, so much as may be necessary to make refunds to depositors of money heretofore or hereafter deposited by them to secure the purchase price on the sale of any products or for the use of any land or resources of the national forests in excess of amounts found actually due from them to the United States:

* * * * *

¹ Cite as follows: The fifth paragraph under the heading "FOREST SERVICE" in the Act of March 4, 1907 (34 Stat. 1270).

ACT OF MARCH 4, 1911

CHAP. 238.—An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and twelve.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June thirtieth, nineteen hundred and twelve, for the purposes and objects hereinafter expressed, namely:

DEPARTMENT OF AGRICULTURE.

* * * * *

FOREST SERVICE.

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*Provided further,*¹ That so much of an Act entitled “An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight,” approved March fourth, nineteen hundred and seven (Thirty-fourth Statutes at Large, pages twelve hundred and fifty-six and twelve hundred and seventy), which provides for refunds by the Secretary of Agriculture to depositors of moneys to secure the purchase price of timber or the use of lands or resources of the national forests such sums as may be found to be in excess of the amounts found actually due the United States, be, and is hereby, amended hereafter to appropriate and to include so much as may be necessary to refund or pay over to the rightful claimants such sums as may be found by the Secretary of Agriculture to have been erroneously collected for the use of any lands, or for timber or other resources sold from lands located within, but not a part of, the national forests, or for alleged illegal acts done upon such lands, which acts are subsequently found to have been proper and legal;

* * * * *

¹ Cite as follows: The penultimate paragraph under the heading “GENERAL EXPENSES, FOREST SERVICE” under the heading “FOREST SERVICE” in the Act of March 4, 1911 (36 Stat. 1253).

ACT OF MARCH 4, 1917

CHAP. 179.—An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eighteen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June thirtieth, nineteen hundred and eighteen, for the purposes and objects hereinafter expressed, namely:

DEPARTMENT OF AGRICULTURE.

* * * * *

FOREST SERVICE.

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¹Additional national forests created or to be created under section eleven of the Act of March first, nineteen hundred and eleven (Thirty-sixth Statutes at Large, page nine hundred and sixty-three)², and lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted for the purposes of said Act, \$66,100: *Provided*, That hereafter, all moneys received on account of permits for hunting, fishing, or camping, on lands acquired under authority of said Act, or any amendment or extension thereof, shall be disposed of as is provided by existing law for the disposition of receipts from national forests;

* * * * *

¹ Cite as follows: The paragraph following the paragraph relating to the Wyoming National Forest under the heading "GENERAL EXPENSES, FOREST SERVICE" under the heading "FOREST SERVICE" in the Act of March 4, 1917 (39 Stat. 1149).

² The Act of March 1, 1911 (36 Stat. 961; commonly referred to as the Weeks Law. See this compilation).

SECTION 9 OF ACT OF JUNE 7, 1924

CHAP. 348.—An Act To provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefore

* * * * *

¹All receipts from the sale of products from or for the use of lands in such national forests shall be covered into the Treasury as miscellaneous receipts, forest reserve fund, and shall be disposed of in like manner as the receipts from other national forests as provided by existing law.

* * * * *

¹ Cite as follows: The fourth sentence in section 9 of the Act of June 7, 1924 (43 Stat. 655; commonly known as the Clarke-McNary Act). The term "such national forests" in the provision refers to the forests established under section 9 of the 1924 Act (16 U.S.C. 471). Such section 9 was repealed by section 704(a) of Public Law 94-579 (90 Stat. 2792), but the Law Revision Counsel continues to include the fourth sentence in 16 U.S.C. 499.

B. Laws Comprising 16 U.S.C. 500.

[Note: 16 U.S.C. 500 is an uncodified provision of law constructed by the Law Revision Counsel from the Act of May 23, 1908 (35 Stat. 260), and section 13 of the Act of March 1, 1911 (36 Stat. 963; commonly known as the Weeks Law). The Act of 1908 applies to national forests in the western United States that were acquired as part of the public domain. Section 13 of the Weeks Law applies to those national forests in the eastern United States acquired under the Weeks Law. Any amendment to 16 U.S.C. 500 must be made to the source laws that form the section. The source laws follow the explanatory materials.]

Section 500 of title 16, United States Code, reads as follows:

§ 500. Payment and evaluation of receipts to State or Territory for schools and roads; moneys received; projections of revenues and estimated payments¹

On and after May 23, 1908, 25 percent of all moneys received during any fiscal year from each national forest shall be paid, at the end of such year, by the Secretary of the Treasury to the State or Territory in which such national forest is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or Territory or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this section shall be based upon the stumpage value of the timber. Beginning October 1, 1976, the term "moneys received" shall include all collections under the Act of June 9, 1930, and all amounts earned or allowed any purchaser of national forest timber and other forest products within such State as purchaser credits, for the construction of roads on the National Forest Transportation System within such national forests or parts thereof in connection with any Forest Service timber sales contract. The Secretary of Agriculture shall, from time to time as he goes through his process of developing the budget revenue estimates, make available to the States his current projections of revenues and payments estimated to be made under the Act of May 23, 1908, as amended, or any other special Acts making payments in lieu of taxes, for their use for local budget planning purposes.

(May 23, 1908, ch. 192, 35 Stat. 260; Mar. 1, 1911, ch. 186, Sec. 13, 36 Stat. 963; June 30, 1914, ch. 131, 38 Stat. 441; Sept. 21, 1944, ch. 412, title II, Sec. 212, 58

¹ Payments are also made to units of local governments in which units of the National Park System or the National Forest System are located under the authority of chapter 69 of title 31, United States Code (commonly known as the Payments in Lieu of Taxes Act).

Stat. 737; Apr. 24, 1950, ch. 97, Sec. 17(b), 64 Stat. 87; Oct. 22, 1976, Pub. L. 94-588, Sec. 16, 90 Stat. 2961.

Source Laws:

ACT OF MAY 23, 1908

CHAP. 192.—An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June thirtieth, nineteen hundred and nine, for the purposes and objects hereinafter expressed, namely:

DEPARTMENT OF AGRICULTURE.

* * * * *

FOREST SERVICE.

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That ¹ hereafter twenty-five per centum of all money received from each forest reserve during any fiscal year, including the year ending June thirtieth, nineteen hundred and eight, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this Act shall be based upon the stumpage value of the timber. Beginning October 1, 1976, the term "moneys received" shall include all collections under the Act of June 9, 1930 ², and all amounts earned or allowed any purchaser of national forest timber and other forest products within such State as purchaser credits, for the construction of roads on the National Forest Transportation System within such national forests or parts thereof in connection with any Forest Service timber sales contract. The Secretary of Agriculture shall, from time to time as he goes through his process of developing the budget revenue estimates, make available to the States his current projections of revenues and payments estimated to be made under the Act of May 23,

¹ Cite as follows: The sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (35 Stat. 260).

² The Act of June 9, 1930 is commonly known as the Knutson-Vandenberg Act. See this compilation.

1908, as amended, or any other special Acts making payments in lieu of taxes, for their use for local budget planning purposes.¹

* * * * *

SECTION 13 OF ACT OF MARCH 1, 1911 (WEEKS LAW)

SEC. 13.¹ That twenty-five per centum of all moneys received during any fiscal year from each national forest into which the lands acquired under this Act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the state legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein. Beginning October 1, 1976, the term "moneys received" shall include all collections under the Act of June 9, 1930², and all amounts earned or allowed any purchaser of national forest timber and other forest products within such State as purchaser credits, for the construction of roads on the National Forest Transportation System within such national forests or parts thereof in connection with any Forest Service timber sales contract. The Secretary of Agriculture shall, from time to time as he goes through his process of developing the budget revenue estimates, make available to the States his current projections of revenues and payments estimated to be made under the Act of May 23, 1908, as amended, or any other special Acts making payments in lieu of taxes for their use for local budget planning purposes.

* * * * *

¹ The sixth paragraph under the heading "ADMINISTRATIVE PROVISIONS, FOREST SERVICE" in title II of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102-381; 106 Stat. 1400; 16 U.S.C. 500 note) provides as follows: "All funds received for timber salvage sales may be credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest, and for timber sales preparation to replace sales lost to fire or other causes, and sales preparation to replace sales inventory on the shelf for any national forest to a level sufficient to maintain new sales availability equal to a rolling five-year average of the total sales offerings, and for design, engineering, and supervision of construction of roads lost to fire or other causes associated with the timber sales program described above: *Provided*, That notwithstanding any other provision of law, moneys received from the timber salvage sales program in fiscal year 1993 and subsequent fiscal years shall be considered as money received for purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended."

¹ Cite as follows: Section 13 of the Act of March 1, 1911 (36 Stat. 963; commonly known as the Weeks Act).

² The Act of June 9, 1930 is commonly known as the Knutson-Vandenberg Act. See this compilation.

C. Laws Comprising 16 U.S.C. 501.

[Note: 16 U.S.C. 501 is an uncodified provision of law constructed by the Law Revision Counsel from the Act of March 4, 1913 (37 Stat. 843), as amended by section 212 of the Act of September 21, 1944 (58 Stat. 737). Any amendment to 16 U.S.C. 501 must be made to the source law that forms the section. The source law follows the explanatory materials.]

Section 501 of title 16, United States Code, reads as follows:

§501. Expenditures from receipts for roads and trails; co-operation with State authorities; evaluation of receipts

On or after Mar. 4, 1913, ten per centum of all moneys received from the national forests during each fiscal year shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part; In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this Act shall be based upon the stumpage value of the timber.

Source Law:

ACT OF MARCH 4, 1913

CHAP. 145.—An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and fourteen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June thirtieth, nineteen hundred and fourteen, for the purposes and objects hereinafter expressed, namely:

DEPARTMENT OF AGRICULTURE.

* * * * *

FOREST SERVICE.

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That ¹ hereafter, an additional ten per centum of all moneys received from the national forests during each fiscal year shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part; In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this Act shall be based upon the stumpage value of the timber.

* * * * *

¹ Cite as follows: The fourteenth paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843).

D. Special Revenue Sharing Requirements

[Public Law 103–66, August 10, 1993, Omnibus Budget Reconciliation Act of 1993.]

TITLE XIII—REVENUE, HEALTH CARE, HUMAN RESOURCES, INCOME SECURITY, CUSTOMS AND TRADE, FOOD STAMP PROGRAM, AND TIMBER SALE PROVISIONS

* * * * *

CHAPTER 4—TIMBER SALES

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CHAPTER 4—TIMBER SALES

Sec. 13981. Table of contents.

Sec. 13982. Sharing of Forest Service timber sale receipts.

Sec. 13983. Sharing of Bureau of Land Management timber sale receipts.

SEC. 13982. [16 U.S.C. 500 note.] SHARING OF FOREST SERVICE TIMBER SALE RECEIPTS.

(a) DEFINITIONS.—As used in this section:

(1) APPLICABLE PERCENTAGE.—The term “applicable percentage” means—

(A) for fiscal year 1994, 85 percent; and

(B) for each of fiscal years 1995 through 2003, 3 percentage points less than the applicable percentage for the preceding fiscal year.

(2) 25-PERCENT PAYMENTS TO STATES.—The term “25-percent payments to States” means the 25 percent payments authorized by the Act of May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500) for the States of Washington, Oregon, and California for the benefit of counties in which national forests are situated and that are affected by decisions related to the northern spotted owl.

(3) SPECIAL PAYMENT AMOUNT.—The term “special payment amount” means the amount determined by multiplying—

(A) the applicable percentage; by

(B) the annual average of the 25-percent payments to States made to a county pursuant to such Acts during the 5-year period consisting of fiscal years 1986 through 1990.

(b) PAYMENTS.—

(1) IN GENERAL.—In lieu of making the 25-percent payments to States, the Secretary of the Treasury shall make payments to States, out of any money in the Treasury not otherwise appropriated, for the benefit of counties, that are eligible

to receive the 25-percent payments to States as of the date of enactment of this Act in accordance with paragraph (2).

(2) AMOUNT OF PAYMENTS.—

(A) FISCAL YEARS 1994 THROUGH 1998.—For each of fiscal years 1994 through 1998, the payment to each State for the benefit of each county in the State referred to in paragraph (1) shall be equal to the sum of the special payment amounts for each county in the State.

(B) FISCAL YEARS 1999 THROUGH 2003.—

(i) IN GENERAL.—For each of fiscal years 1999 through 2003, the payment to each State for the benefit of each county in the State referred to in paragraph (1) shall be equal to the sum of the payments for each county in the State as calculated under clause (ii).

(ii) PAYMENTS FOR COUNTIES.—The payment for each county referred to in clause (i) shall be equal to the greater of—

(I) the special payment amount for the county; or

(II) the share of the 25-percent payments to States allocable to the county.

SEC. 13983. [43 U.S.C. 1181f note.] SHARING OF BUREAU OF LAND MANAGEMENT TIMBER SALE RECEIPTS.

(a) DEFINITIONS.—As used in this section:

(1) APPLICABLE PERCENTAGE.—The term “applicable percentage” means—

(A) for fiscal year 1994, 85 percent; and

(B) for each of fiscal years 1995 through 2003, 3 percentage points less than the applicable percentage for the preceding fiscal year.

(2) 50-PERCENT PAYMENTS TO COUNTIES.—The term “50-percent payments to counties” means the 50-percent share paid to counties in the States of Oregon and California pursuant to title II of the Act of August 28, 1937 (50 Stat. 875, chapter 876; 43 U.S.C. 1181f), and the payments made to counties pursuant to the Act of May 24, 1939 (53 Stat. 753, chapter 144; 43 U.S.C. 1181f-1 et seq.).

(3) SPECIAL PAYMENT AMOUNT.—The term “special payment amount” means the amount determined by multiplying—

(A) the applicable percentage; by

(B) the annual average of the 50-percent payments to counties made to a county pursuant to such Acts during the 5-year period consisting of fiscal years 1986 through 1990.

(b) PAYMENTS.—

(1) IN GENERAL.—In lieu of making the 50-percent payments to counties, the Secretary of the Treasury shall make payments, out of any money in the Treasury not otherwise appropriated, to counties that are eligible to receive the 50-percent payments as of the date of enactment of this Act in accordance with paragraph (2).

(2) AMOUNT OF PAYMENTS.—

(A) FISCAL YEARS 1994 THROUGH 1998.—For each of fiscal years 1994 through 1998, the Secretary of the Treasury

shall pay to each county referred to in paragraph (1) the special payment amount.

(B) FISCAL YEARS 1999 THROUGH 2003.—For each of fiscal years 1999 through 2003, the Secretary of the Treasury shall pay to each county referred to in paragraph (1) the greater of—

(i) the special payment amount; or

(ii) the share of the 50-percent payments to counties allocable to the county.

* * * * *

E. Payments for Entitlement Land

[Chapter 69 of title 31, United States Code.]

CHAPTER 69—PAYMENT FOR ENTITLEMENT LAND

Sec.	
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§ 6901. Definitions

In this chapter—

(1) “entitlement land” means land owned by the United States Government—

(A) that is in the National Park System or the National Forest System, including wilderness areas and lands described in section 2 of the Act of June 22, 1948 (16 U.S.C. 577d), and section 1 of the Act of June 22, 1956 (16 U.S.C. 577d–1);

(B) the Secretary of the Interior administers through the Bureau of Land Management;

(C) dedicated to the use of the Government for water resource development projects;

(D) on which are located semi-active or inactive installations (except industrial installations) that the Secretary of the Army keeps for mobilization and for reserve component training;

(E) that is a dredge disposal area under the jurisdiction of the Secretary of the Army;

(F) that is located in the vicinity of Purgatory River Canyon and Pinon Canyon, Colorado, and acquired after December 23, 1981, by the United States Government to expand the Fort Carson military installation; or

(G) that is a reserve area (as defined in section 401(g)(3) of the Act of June 15, 1935 (16 U.S.C. 715s(g)(3))).

(2)(A) “unit of general local government” means—

(i) a county (or parish), township, borough, or city where the city is independent of any other unit of general local government, that—

(I) is within the class or classes of such political subdivision in a State that the Secretary of the Interior, in his discretion, determines to be the principal

provider or providers of governmental services within the State; and

(II) is a unit of general government, as determined by the Secretary of the Interior on the basis of the same principles as were used by the Secretary of Commerce on January 1, 1983, for general statistical purposes;

(ii) any area in Alaska that is within the boundaries of a census area used by the Secretary of Commerce in the decennial census, but that is not included within the boundary of a governmental entity described under clause (i);

(iii) the District of Columbia;

(iv) the Commonwealth of Puerto Rico;

(v) Guam; and

(vi) the Virgin Islands.

(B) the term “governmental services” includes, but is not limited to, those services that relate to public safety, the environment, housing, social services, transportation, and governmental administration.

§ 6902. Authority and Eligibility

(a)(1) Except as provided in paragraph (2), the Secretary of the Interior shall make a payment for each fiscal year to each unit of general local government in which entitlement land is located as set forth in this chapter. A unit of general local government may use the payment for any governmental purpose.

(2) For each unit of general local government described in section 6901(2)(A)(ii), the Secretary of the Interior shall make a payment for each fiscal year to the State of Alaska for entitlement land located within such unit as set forth in this chapter. The State of Alaska shall distribute such payment to home rule cities and general law cities (as such cities are defined by the State) located within the boundaries of the unit of general local government for which the payment was received. Such cities may use monies received under this paragraph for any governmental purpose.

(b) A unit of general local government may not receive a payment for land for which payment under this Act otherwise may be received if the land was owned or administered by a State or unit of general local government and was exempt from real estate taxes when the land was conveyed to the United States except that a unit of general local government may receive a payment for—

(1) land a State or unit of general local government acquires from a private party to donate to the United States within 8 years of acquisition;

(2) land acquired by a State through an exchange with the United States if such land was entitlement land as defined by this chapter; or

(3) land in Utah acquired by the United States for Federal land, royalties, or other assets if, at the time of such acquisition, a unit of general local government was entitled under applicable State law to receive payments in lieu of taxes from the State of Utah for such land: *Provided, however,* That no payment under this paragraph shall exceed the payment that

would have been made under State law if such land had not been acquired.

§ 6903. Payments

(a) In this section—

(1) “payment law” means—

(A) the Act of June 20, 1910 (ch. 310, 36 Stat. 557);

(B) section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012);

(C) the Act of May 23, 1908 (16 U.S.C. 500);

(D) section 5 of the Act of June 22, 1948 (16 U.S.C. 577g, 577g-1);

(E) section 401(c)(2) of the Act of June 15, 1935 (16 U.S.C. 715s(c)(2));

(F) section 17 of the Federal Power Act (16 U.S.C. 810);

(G) section 35 of the Act of February 25, 1920 (30 U.S.C. 191);

(H) section 6 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355);

(I) section 3 of the Act of July 31, 1947 (30 U.S.C. 603); and

(J) section 10 of the Act of June 28, 1934 (known as the Taylor Grazing Act) (43 U.S.C. 315i).

(2) population shall be determined on the same basis that the Secretary of Commerce determines resident population for general statistical purposes.

(3) a unit of general local government may not be credited with a population of more than 50,000.

(b)(1) A payment under section 6902 of this title is equal to the greater of—

(A) 93 cents during fiscal year 1995, \$1.11 during fiscal year 1996, \$1.29 during fiscal year 1997, \$1.47 during fiscal year 1998, and \$1.65 during fiscal year 1999 and thereafter, for each acre of entitlement land located within a unit of general local government (but not more than the limitation determined under subsection (c) of this section) reduced (but not below 0) by amounts the unit received in the prior fiscal year under a payment law; or

(B) 12 cents during fiscal year 1995, 15 cents during fiscal year 1996, 17 cents during fiscal year 1997, 20 cents during fiscal year 1998, and 22 cents during fiscal year 1999 and thereafter, for each acre of entitlement land located in the unit (but not more than the limitation determined under subsection (c) of this section).

(2) The chief executive officer of a State shall submit to the Secretary of the Interior a statement on the amounts of payments the State transfers to each unit of general local government in the State out of amounts received under a payment law.

(c)(1) The limitation for a unit of general local government with a population of not more than 4,999 is the highest dollar amount specified in paragraph (2).

(2) The limitation for a unit of general local government with a population of at least 5,000 is the following amount (rounding the population off to the nearest thousand):

If population equals—	the limitation is equal to the population times—
5,000	\$62.00
6,000	58.00
7,000	54.50
8,000	51.00
9,000	47.00
10,000	43.50
11,000	42.00
12,000	41.00
13,000	40.00
14,000	38.50
15,000	37.00
16,000	36.50
17,000	36.00
18,000	35.50
19,000	34.50
20,000	34.00
21,000	33.75
22,000	33.50
23,000	33.00
24,000	32.50
25,000	32.25
26,000	32.00
27,000	31.75
28,000	31.50
29,000	31.25
30,000	31.00
31,000	30.75
32,000	30.50
33,000	30.00
34,000	29.75
35,000	29.50
36,000	29.25
37,000	28.75
38,000	28.50
39,000	28.25
40,000	28.00
41,000	27.50
42,000	27.25
43,000	27.00
44,000	26.50
45,000	26.25
46,000	26.00
47,000	25.75
48,000	25.50
49,000	25.00
50,000	24.75.

NOTE

Pursuant to the Payments In Lieu of Taxes Act (P.L. 103-397):
During fiscal year 1996, the table at the end of section 6903(c)(2) of title 31,
United States Code, is amended to read as follows:

"If population equals—	the limitation is equal to the population times—
5,000	\$74.00
6,000	69.50
7,000	65.00

8,000	61.00
9,000	56.00
10,000	52.00
11,000	50.50
12,000	49.00
13,000	47.50
14,000	46.00
15,000	44.50
16,000	43.50
17,000	43.00
18,000	42.00
19,000	41.50
20,000	41.00
21,000	40.25
22,000	40.00
23,000	39.50
24,000	39.00
25,000	38.50
26,000	38.25
27,000	38.00
28,000	37.50
29,000	37.25
30,000	37.00
31,000	36.75
32,000	36.25
33,000	36.00
34,000	35.50
35,000	35.00
36,000	34.75
37,000	34.50
38,000	34.00
39,000	33.75
40,000	33.25
41,000	33.00
42,000	32.50
43,000	32.25
44,000	32.00
45,000	31.50
46,000	31.00
47,000	30.75
48,000	30.50
49,000	30.00
50,000	29.50."

During fiscal year 1997, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

"If population equals—		the limitation is equal to the population times—
5,000		\$86.00
6,000		81.00
7,000		76.00
8,000		71.00
9,000		65.50
10,000		60.00
11,000		58.50
12,000		57.00
13,000		55.00
14,000		53.50
15,000		51.50
16,000		51.00
17,000		50.00
18,000		49.00
19,000		48.00
20,000		47.50
21,000		47.25
22,000		46.25
23,000		46.00
24,000		45.25
25,000		45.00
26,000		44.50
27,000		44.00
28,000		43.75
29,000		43.50
30,000		43.00
31,000		42.50
32,000		42.00
33,000		41.75
34,000		41.25
35,000		41.00
36,000		40.50
37,000		40.00
38,000		39.50
39,000		39.00
40,000		38.75
41,000		38.25
42,000		38.00
43,000		37.50

44,000	37.00
45,000	36.50
46,000	36.00
47,000	35.75
48,000	35.25
49,000	35.00
50,000	34.50."

During fiscal year 1998, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

"If population equals—	the limitation is equal to the population times—
5,000	\$98.00
6,000	92.00
7,000	86.00
8,000	80.50
9,000	74.50
10,000	68.50
11,000	66.50
12,000	64.50
13,000	63.00
14,000	61.00
15,000	59.00
16,000	58.00
17,000	57.00
18,000	56.00
19,000	55.00
20,000	54.00
21,000	53.50
22,000	52.75
23,000	52.00
24,000	51.50
25,000	51.00
26,000	50.50
27,000	50.25
28,000	50.00
29,000	49.50
30,000	49.00
31,000	48.50
32,000	48.00
33,000	47.50
34,000	47.00
35,000	46.50
36,000	46.00
37,000	45.50
38,000	45.00
39,000	44.50
40,000	44.00
41,000	43.50
42,000	43.00
43,000	42.75
44,000	42.25
45,000	41.75
46,000	41.25
47,000	40.75
48,000	40.25
49,000	39.75
50,000	39.25."

Effective October 1, 1998 the table at the end of section 6903(c)(2) is amended to read as follows:

"If population equals—	the limitation is equal to the population times—
5,000	\$110.00
6,000	103.00
7,000	97.00
8,000	90.00
9,000	84.00
10,000	77.00
11,000	75.00
12,000	73.00
13,000	70.00
14,000	68.00
15,000	66.00
16,000	65.00
17,000	64.00
18,000	63.00
19,000	62.00
20,000	61.00
21,000	60.00
22,000	59.00
23,000	59.00
24,000	58.00
25,000	57.00
26,000	56.00

27,000	56.00
28,000	56.00
29,000	55.00
30,000	55.00
31,000	54.00
32,000	54.00
33,000	53.00
34,000	53.00
35,000	52.00
36,000	52.00
37,000	51.00
38,000	51.00
39,000	50.00
40,000	50.00
41,000	49.00
42,000	48.00
43,000	48.00
44,000	47.00
45,000	47.00
46,000	46.00
47,000	46.00
48,000	45.00
49,000	45.00
50,000	44.00."

(d) On October 1 of each year after the date of enactment of the Payment in Lieu of Taxes Act, the Secretary of the Interior shall adjust each dollar amount specified in subsections (b) and (c) to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor, for the 12 months ending the preceding June 30.

§ 6904. Additional payments

(a) In addition to payments the Secretary of the Interior makes under section 6902 of this title, the Secretary shall make a payment for each fiscal year to a unit of general local government collecting and distributing real property taxes (including a unit in Alaska outside the boundaries of an organized borough) in which is located an interest in land that—

(1) the United States Government acquires for—

(A) the National Park System; or

(B) the National Forest Wilderness Areas; and

(2) was subject to local real property taxes within the 5-year period before the interest is acquired.

(b) The Secretary shall make payments only for the 5 fiscal years after the fiscal year in which the interest in land is acquired. Under guidelines the Secretary prescribes, the unit of general local government receiving the payment from the Secretary shall distribute payments proportionally to units and school districts that lost real property taxes because of the acquisition of the interest. A unit receiving a distribution may use a payment for any governmental purpose.

(c) Each yearly payment by the Secretary under this section is equal to one percent of the fair market value of the interest in land on the date the Government acquires the interest. However, a payment may not be more than the amount of real property taxes levied on the property during the last fiscal year before the fiscal year in which the interest is acquired. A decision on fair market value under this section may not include an increase in the value of an interest because the land is rezoned when the rezoning causes the increase after the date of enactment of a law authorizing the acquisition of an interest under subsection (a) of this section.

(d) The Secretary may prescribe regulations under which payments may be made to units of general local government when sub-

sections (a) and (b) of this section will not carry out the purpose of subsections (a) and (b).

§ 6905. Redwood National Park and the Lake Tahoe Basin

(a) The Secretary of the Interior shall make a payment for each fiscal year to each unit of general local government in which an interest in land owned by the United States Government in the Redwood National Park is located. A unit may use the payment for any governmental purpose. The payment shall be made as provided in section 6903 of this title and shall include an amount payable under section 6903.

(b)(1) In addition to payments the Secretary makes under subsection (a) of this section, the Secretary shall make a payment for each fiscal year to each unit of general local government in which is located an interest in land—

(A) owned by the Government in the Redwood National Park; or

(B) acquired in the Lake Tahoe Basin under the Act of December 23, 1980 (Public Law 96-586, 94 Stat. 3383).

(2) The payment shall be made as provided in section 6904 of this title and shall include an amount payable under section 6904. However, an amount computed but not paid because of the first sentence of subsection (b) and the 2d sentence of subsection (c) of section 6904 shall be carried forward and applied to future years in which the payment would not otherwise equal the amount of real property taxes assessed and levied on the land during the last fiscal year before the fiscal year in which the interest was acquired until the amount is applied completely.

(3) The unit of general local government may use the payment for any governmental purpose.

(4) The Redwoods Community College District is a school district under section 6904(b) of this title.

§ 6906. Authorization of appropriations

Necessary amounts may be appropriated to the Secretary of the Interior to carry out this chapter. Amounts are available only as provided in appropriation laws.

§ 6907. State legislation requiring reallocation or redistribution of payments to smaller units of general purpose government

(a) Notwithstanding any other provision of this chapter, a State may enact legislation which requires that any payments which would be made to units of general local government pursuant to this chapter be reallocated and redistributed in whole or part to other smaller units of general purpose government which (1) are located within the boundaries of the larger unit of general local government, (2) provide general governmental services and (3) contain entitlement lands within their boundaries. Such reallocation or redistribution shall generally reflect the level of services provided by, and the number of entitlement acres within, the smaller unit of general local government.

(b) Upon enactment of legislation by a State, described in subsection (a), the Secretary shall make one payment to such State

equaling the aggregate amount of payments which he otherwise would have made to units of general local government within such State pursuant to this chapter. It shall be the responsibility of such State to make any further distribution of the payment pursuant to subsection (a). Such redistribution shall be made within 30 days after receipt of such payment. No payment, or portion thereof, made by the Secretary shall be used by any State for the administration of this subsection or subsection (a).

(c) Appropriations made for payments in lieu of taxes for a fiscal year may be used to correct underpayments in the previous fiscal year to achieve equity among all qualified recipients.